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## Wisconsin Karner Blue Butterfly Habitat Conservation Plan and Environmental Impact Statement

### **Chapter 2: Statewide Karner Blue Butterfly Habitat Conservation Plan (HCP)**

#### **J. Alternatives to the Statewide HCP and Reasons Not Selected**

During the course of the development of the Wisconsin Karner Blue Butterfly HCP, the partners and participants considered a number of alternatives to the statewide plan. Three alternatives and the reasons they were not selected are discussed briefly below. The No Action and the Proposed Action (the statewide HCP) alternatives and the effects of each are discussed in greater detail in the EIS (Chapters 3 and 5, respectively).

##### **1. No Action Alternative (see also Chapter 3).**

Under the No Action Alternative, a section 10(a)(1)(B) permit would not be issued at the state level and projects involving take would be prohibited under Section 9 of the ESA. Such an approach would potentially subject landowners and local governments to civil and criminal penalties for unauthorized take of Karner blue butterflies. Furthermore, occupied Karner blue butterfly habitat would most likely not be maintained or improved since this alternative precludes the modification of any occupied Karner blue butterfly habitat. The combination of multiple ownership and intermittent Karner blue habitat patterns encourages irregular development that is efficient for neither land use activities nor conservation. Natural plant succession would occur in occupied habitat eventually making it unsuitable for the Karner blue butterfly.

Government and landowners would attempt to continue their respective land use activities and development projects on an individual, project-by-project basis under the terms and conditions imposed by presently existing local, state and federal plans, statutes and regulations. Existing incidental take options available to individual landowners and various levels of government -- section 7 consultations and section 10 HCPs -- would continue to be employed on a case-by-case basis. Individual landowners would prepare their own project-specific HCPs to obtain an incidental take permit.

Inherent problems with this alternative include habitat loss, regulation enforcement, development obstruction and lack of coordination. Since this alternative would not allow modification of occupied Karner blue butterfly habitat anywhere in the state without a federal permit, more existing habitat would evolve into closed canopy communities by natural succession. The burden of proof as to whether or not take occurs from development is on the enforcement agency (USFWS). Because of the scope of the duty, and the location and life history of the species, enforcement is likely to be ineffective in preventing incidental take. Projects and planned

management activities within areas that contain habitat would be subject to lengthy analysis on a case-by-case basis. With no unified conservation program, the cumulative effects of management activities could not be considered, and significant impacts to Karner blue butterflies could still occur. A coordinated adaptive management approach would not be formulated and implemented.

This alternative was rejected for several reasons. First and foremost, it would do little to protect significant areas of Karner blue butterfly habitat. Furthermore, individual project development does not provide a means to implement and coordinate conservation measures. Responsive conservation efforts, such as adaptive management, also would not be possible, because they are best formulated and implemented at a landscape scale.

### **2. HCP with Mitigation Banking**

This alternative proposes that impacts to the Karner blue butterfly and its habitat from land management activities be mitigated through permanent habitat maintenance, restoration, or creation.

In Wisconsin, land development and use is concentrated on private lands. Since private land represents approximately 85 percent of both the state total and the 21 counties comprising the Karner blue butterfly documented range, there are hundreds of thousands of landowners. Remaining Karner blue butterfly habitat on private lands is already highly fragmented and heavily impacted by direct and indirect effects of development and land management practices.

Establishing mitigation banks and ensuring connectivity between habitats on so many parcels would be nearly impossible. Applying intensive conservation or mitigation measures to private lands would be very costly, of uncertain outcome, and likely to be ineffective in the long-term conservation of the Karner blue butterfly. A strategy focusing mitigation exclusively on scattered state and county land holdings would be even less able to provide the necessary connectivity for the fragmented habitat. To be meaningful, mitigation banking would have to be at such a scale (in acres of habitat managed) that the continuation of other uses and management practices would be severely limited. Again, a strategy recognizing how the ownership of Karner blue butterfly habitat is divided and distributed is more likely to be effective.

Mitigation on lands outside of Wisconsin was not considered feasible because of the current Karner blue butterfly range. The USFWS also indicated such mitigation would not be acceptable because it would likely preclude meaningful Karner blue butterfly conservation.

This alternative was rejected for three main reasons: (1) with the landownership patterns mentioned, mitigation would be costly and complicated; (2) the existing Karner blue butterfly habitat is concentrated on public lands and very large private holdings, and a strategy recognizing this was deemed to be ultimately more effective; and (3) the HCP partners felt such a traditional approach to regulation/mitigation was not appropriate for the species in question. The incidental

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take anticipated as a result of proposed management is not expected to be permanent take, but rather short-term take of individuals with long-term benefits to the habitat and overall Karner blue butterfly populations. Some partners also felt it was inappropriate to set aside private lands as permanent mitigation sites.

### **3. Reduced Scope HCP Alternative**

Under this alternative, only a subset of the partners (e.g., the DNR and county forests) would prepare an HCP and apply for an ITP. Under this alternative, conservation efforts would be focused on public resource lands. Legal land use activities and development projects on the remaining partners' lands would proceed on an individual, project-by-project basis under the terms and conditions imposed by presently existing local, state and federal plans, statutes and regulations (i.e. existing incidental take options available to landowners would continue to be employed).

While the majority of Karner blue butterfly element occurrences are located on public lands, there are many others that are located on private lands. There are also significant acreages of potential habitat on private land, which could potentially be managed for Karner blue butterfly conservation. The lack of inclusion of such lands would complicate management over the broader landscape (e.g., many of the connections between public land holdings would be absent).

The majority of public lands are managed for multiple purposes (e.g., timber harvest, wildlife habitat, recreation, etc.). Focusing an HCP on public lands would require extensive, and often intensive, commitments to maintaining Karner blue butterfly habitat on specific properties. Such emphasis on a single species could preclude some other uses and would, quite possibly, be contrary to the uses identified through public participation and planning processes used in the management of these properties.

This alternative was rejected for several reasons. First, it would do little to protect many of the significant areas of Karner blue butterfly habitat that occur on private lands. Furthermore, individual project development, as would occur by the entities not involved in the HCP, would not provide a means to implement and coordinate conservation measures. Responsive conservation efforts, such as adaptive management, would be significantly hampered in this scenario because such efforts are best formulated and implemented at the landscape scale. Finally, such an approach would be contrary to the spirit and intent of the Articles of Partnership which underlie the Proposed Action alternative and would preclude the vast resources that are being brought to Karner blue butterfly conservation.